

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12/28/12

[Signature]
Signature

Robert T Carpenter
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 02 2013	
No. Can	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES OF AMERICA,

Plaintff

WALKER RIVER PAIUTE TRIBE,)

Plaintiff-Intervenor

vs.

WALKER RIVER IRRIGATION DISTRICT,

a corporation, et al.,

Defendant

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:
Chief Deputy Clerk
United States District Court for the
District of Nevada
400 South Virginia Street, Suite 301
Reno, Nevada 89501
3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:
Susan L. Schneider
Attorney for the United States of America
United States Department of Justice
Environment & Natural Resources Division
999 18th Street, South Terrace - Suite 370
Denver, Colorado 80202

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
2 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
3 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4 5. If I (or the entity on whose behalf I am acting) have retained an attorney to
5 represent me in these proceedings, I identify that attorney below, along with his or her mailing
6 address, telephone number, facsimile number, and e-mail address:

7 Attorney:

8 Address:

9
10 Phone Number:

11 Fax Number:

12 E-mail Address:

13 PLEASE NOTE: Attorneys are reminded that they are required to comply with the
14 electronic filing procedures of the U.S. District Court for District of Nevada.

15 "Attorneys who are admitted to the bar of this court, admitted to participate in a case
16 pro hac vice, or who are authorized to represent the United States and its agencies, shall
17 register as Filing Users of the System. Registration shall be in the form prescribed by
18 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.
19 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

20 
(Signature)

21 ROBERT T CARPENTER
(Printed or typed Name)

22
23 (Entity, if any, on whose
24 behalf you are appearing)

25
26 (Address)

27 (Telephone number)

28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

2

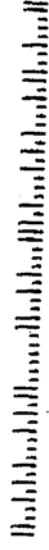
512 N. River St
Colville, WA 99107

NO. NY 894
31 DEC 2012 PM 3 T



*Chief Deputy Clerk
United States Dist. Court for the
District of Nevada
400 S. Virginia St. Suite 301
Reno, NV 89501*

99501+2195



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Date: 11/1/13

Lloyd Chichester
Signature
Lloyd Chichester
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

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U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2012 DEC 27 PM 2:34

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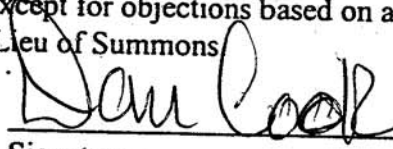
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Date: 12-24-2012


Signature

DAN E. COOK
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

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ENV. & NAT. RES. DIV.
DENVER, CO

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Date: 12-24-2012

Gina M. Cook
Signature

GINA M. COOK
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

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Date: 12/20/2012

Barbara Curti
Signature
BARBARA CURTI
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustee of
(Title)

Harold & Barbara Curti Family Trust
(Corporate, Trust, Partnership or other entity) 01/2/01/2001

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

In Equity No. C-125-ECR

Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

DISCLAIMER OF INTEREST IN
WATER RIGHTS AND NOTICE OF
RELATED INFORMATION AND
DOCUMENTATION SUPPORTING
DISCLAIMER

v.

WALKER RIVER IRRIGATION
DISTRICT,
a corporation, et al.,

Defendants.

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

~~Susan L. Schneider~~
~~United States Department of Justice~~
~~P.O. Box 756~~
~~Littleton, CO 80160~~

Susan L. Schneider
United States Department of Justice
999 18th Street
South Terrace - Suite 370
Denver, CO 80202

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed
6 ownership:

7 Name(s):

8 HAROLD AND BARBARA CURT, FAMILY TRUST
9 Date Feb. 1, 2001

10 Street or P.O. Box:

11 5395 S. EIK RIVER Rd.

12 Town or City:

13 RENO

14 State:

15 NV

16 Zip Code:

17 89511

18 2. The name and address of each person or entity who acquired ownership

19 Name(s): MICHAEL D. CURT

20 HAROLD J. CURT, JR.

21 RENEE T. MILLER

22 Street or P.O. Box:

23 801 LARSON LANE

24 Town or City:

25 COLEVILLE

26 State:

27 CA

28 Zip Code:

96107

1
2
3 3. Attached to or included with this notice is a copy of the (check appropriate
4 box(es)):

- 5 ☒ Deed
6 ☐ Court Order
7 ☐ Other Document.
8
9

10 by which the change in ownership was accomplished.

11 4. The undersigned acknowledges that any person or entity who files a Disclaimer
12 of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13 the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14 in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15 this litigation.

16 Executed this 20th day of December 2012

17
18
19
20
21 [signature of counter-defendant]
22
23
24
25

26 [name of counter-defendant]
27
28

Harold & Barbara Kurt Family Trust 02/01/200,

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4

1
2 BARBARA CURTI, TRUSTEE

3 [name, if applicable, of person acting on
4 behalf of counter-defendant]

5
6 Barbara Curti, Trustee

7 [signature, if applicable, of person acting on
8 behalf of Counter-Defendant]

9
10
11
12
13
14 [address]

15 5395 S. ELK Run Rd.
16 RENO, NV 89511

17
18 [telephone number]

19 775-852-5960
20
21
22
23
24
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27
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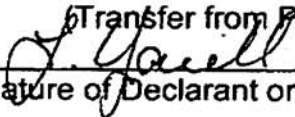
Page 1 of 15
Date: 7/17/2012 03:35P
Filed by: GENERAL PUBLIC
Filed & Recorded in Official Records
of MONO COUNTY
LYNDA ROBERTS
CLERK-RECORDER
Fee: \$148.88

APN: 002-020-025-000,002-060-032-000,
002-060-033-000, 002-060-034-000,
002-060-035-000 002-060-037-000,
002-060-038-000, 002-060-039-000,
002-060-040-000

**RECORDING REQUESTED BY and
AFTER RECORDING RETURN TO:**

Mark W. Knobel, Esq.
AVANSINO, MELARKEY, KNOBEL,
MULLIGAN & McKENZIE
4795 Caughlin Parkway, Suite 100
Reno, Nevada 89519

Documentary Transfer Tax \$0 - not a sale
(Transfer from Parent to Child)


Signature of Declarant or Agent determining tax.

QUITCLAIM DEED

THIS INDENTURE, made this 19th day of April, 2012, by and between, HAROLD J. CURTI and BARBARA A. CURTI, as Trustees of the HAROLD AND BARBARA CURTI FAMILY TRUST dated February 1, 2001, Grantors, and MICHAEL D. CURTI, HAROLD J. CURTI, JR. and RENEE T. MILLER, as their sole and separate property, all as tenants in common, Grantees.

WITNESSETH:

Grantors, without consideration, do hereby remise, release and forever quitclaim and convey to the Grantees, and to their successors and assigns, their interest in and to all that certain real property situate in the County of Mono, State of California, and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; together with all

MAIL TAX STATEMENTS TO:

Michael Curti and Harold Curti, Jr.
801 Larsen Lane
Coleville, CA 96107

water and water rights, ditches and ditch rights, appurtenant thereto and used in connection therewith.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the Grantees, and to their successors and assigns forever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands the day and year first above written.

HAROLD AND BARBARA CURTI FAMILY TRUST

By: Harold J. Curti
Harold J. Curti, Trustee

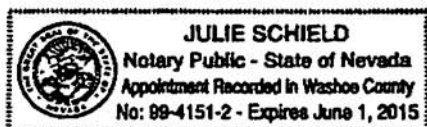
By: Barbara A. Curti
Barbara A. Curti, Trustee

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

On April 19, before me, Julie Schield, Notary Public, personally appeared Harold J. Curti and Barbara A. Curti, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL



Julie Schield
Notary Public

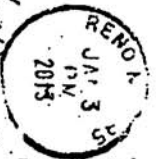
MAIL TAX STATEMENTS TO:

Michael Curti and Harold Curti, Jr.

CURT I
801 LARSON LANE
COLEVILLE CA 96107

Linda Lee Sharer, Chieft Deputy Clerk
United States District Court, Nevada Dist.
400 S. Virginia St., Suite 301
Reno, NV 89501

8950132195



WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12/29/12

Patricia Espinosa

Signature

PATRICIA ESPINOSA

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

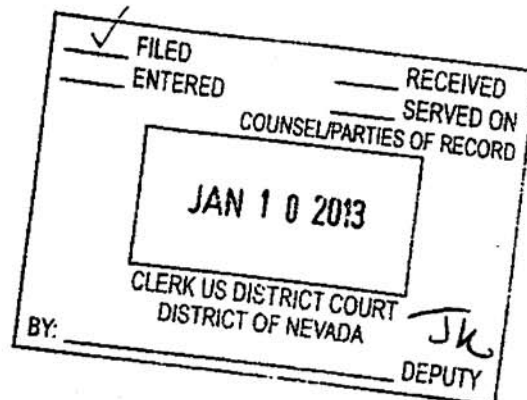
Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

January 8, 2013

Susan L. Schneider, Trial Attorney
US Department of Justice
999 18th Street
South Terrace - Suite 370
Denver, CO 80202
(303) 844-1348



RE: Disclaimer of Interest
United States v Walker River Irrigation Dist., et al., in Equity No. C-125;
Subfile C-125-B

Ms. Schneider,

I am the owner of property addressed at 933 North River Lane, Walker CA 96107 (APN 002-290-027-000). On December 12, 2013, I received your information package, detailing the referenced court case. Upon review of the case documents, It is my contention that the subject property lies outside the scope of this case. My reasons are as follows:

1. The subject property is not riparian to the West Walker River.
2. The subject property is not subject to any of the nine water right categories identified in paragraph 3 of the Case Management Order (Apr. 18, 2000).

I ask that you review the location of this specific property as it relates to the case, and provide confirmation of inclusion or dismissal. In the event you determine the property shall remain a part of this case, I have included an executed Waiver of Service of Notice in Lieu of Summons for your file.

Sincerely,

Sandee F. Finch-Wills

Sandee F. Finch-Wills
Sandee Finch Revocable Trust
37778 Villa Balboa Drive
Temecula, CA 92592
760-220-9194

CC: Linda Lea Shaver
Chief Deputy Clerk
United States District Court
for the District of Nevada

EXHIBIT 183

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

In Equity No. C-125-BCR
Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

DISCLAIMER OF INTEREST IN
WATER RIGHTS AND NOTICE OF
RELATED INFORMATION AND
DOCUMENTATION SUPPORTING
DISCLAIMER

v.

WALKER RIVER IRRIGATION
DISTRICT,
a corporation, et al.,

Defendants.

Not on
the river

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the Case Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

Susan L. Schneider
United States Department of Justice
P.O. Box 756
Littleton, CO 80160

Susan L. Schneider
United States Department of Justice
999 18th Street
South Terrace - Suite 370
Denver, CO 80202

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

Susan L. Schneider
1/2013

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4 additional information:

- 5 1. The name and address of the party or parties who sold or otherwise conveyed
6 ownership:

7 Name(s):

9 Street or P.O. Box:

12 Town or City:

14 State:

16 Zip Code:

- 17 2. The name and address of each person or entity who acquired ownership

19 Name(s):

21 Street or P.O. Box:

24 Town or City:

26 State:

28 Zip Code:

*Not on The Walker River
Sander Jack Wells
1/8/2013*

1
2
3 Attached to or included with this notice is a copy of the (check appropriate
4 box(es)):

- 5 ☐ Deed
6 ☐ Court Order
7 ☐ Other Document
8
9

10 by which the change in ownership was accomplished.

11 4. The undersigned acknowledges that any person or entity who files a Disclaimer
12 of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13 the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14 in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15 this litigation.

16 Executed this _____ day of _____ 20____
17
18
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23
24

Not on water review
Samuel J. [unclear]
1/8/2013
[signature of counter-defendant]

[name of counter-defendant]

25
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28
DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page : of 4

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[name, if applicable, of person acting on
behalf of counter-defendant]

[signature, if applicable, of person acting on
behalf of Counter-Defendant]

[address]

[telephone number]

Not on Walker River
Sander Juch Wills
1/8/2013

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. *Sandee Finch Trust*

Date: 1/8/2013

Signature

Sandee F. Finch Trust

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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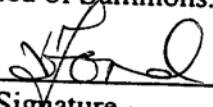
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 17 DEC 12


Signature

VICTORIA FORD
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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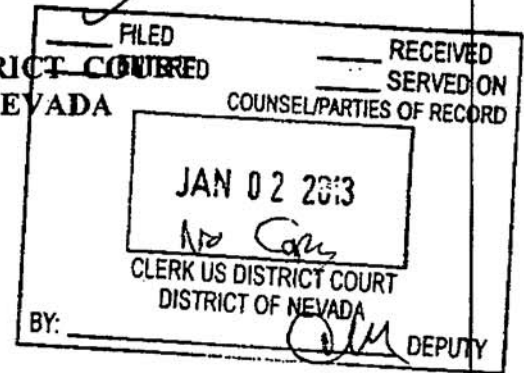
An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

I do not live on the river, my
Property has an irrigation
ditch running through it. So
does this apply to me?

Now I am worried you are going
to take away my ditch and
its the only reason I bought
this house. I love sitting by
it all all the Deer come to
it.

530-495-2256

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA



UNITED STATES OF AMERICA,

Plaintff

WALKER RIVER PAIUTE TRIBE,)
Plaintiff-Intervenor

vs.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

Defendant

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk
United States District Court for the
District of Nevada
400 South Virginia Street, Suite 301
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:

Susan L. Schneider
Attorney for the United States of America
United States Department of Justice
Environment & Natural Resources Divisio
999 18th Street, South Terrace - Suite 370
Denver, Colorado 80202

I do not live on the
river, my property has
an irrigation ditch
running through it.
Does all of this apply
to me?
Now I am worried. you
are taking my ditch
away from me.
530-495-2256

NOTICE OF APPEARANCE AND INTENT TO PARTI

1 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
2 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
3 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4 5. If I (or the entity on whose behalf I am acting) have retained an attorney to
5 represent me in these proceedings, I identify that attorney below, along with his or her mailing
6 address, telephone number, facsimile number, and e-mail address:

7 Attorney:

8 Address:


9
10 Phone Number:

11 Fax Number:

12 E-mail Address:

13 PLEASE NOTE: Attorneys are reminded that they are required to comply with the
14 electronic filing procedures of the U.S. District Court for District of Nevada.

15 "Attorneys who are admitted to the bar of this court, admitted to participate in a case
16 pro hac vice, or who are authorized to represent the United States and its agencies, shall
17 register as Filing Users of the System. Registration shall be in the form prescribed by
18 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.
19 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

20 (Signature) 

21 VICTORIA FORD
(Printed or typed Name)

22
23
24 (Entity, if any, on whose
25 behalf you are appearing)

26
27 (Address)

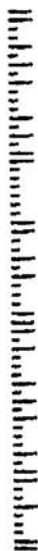
28 (Telephone number)

Miss Victoria Ford
4651 Lone Company Rd.
Coeville, CA 96107-9717

RECEIVED
31 DEC 2012 PM 12 L



Chief Deputy Clerk
~~United States~~ District Court for the
District of Nevada
400 South Virginia ST
Suite 301
Reno
NEVADA
89501
89501+2195



WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12/28/2012

Signature

Linda Beth Foster
LINDA BETH FOSTER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, Attorney for the United States of America

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Date: 12/28/2012

Samuel L. Foster
Signature

SAMUEL LEE FOSTER
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

DEC 26 2012
CLERK US DISTRICT COURT
DISTRICT OF NEVADA

DEPUTY

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-18-12

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of

(Title)

Dennis R Fowler & SuAnne B Fowler Living Trust
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

In Equity No. C-125-ECR
Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

DISCLAIMER OF INTEREST IN
WATER RIGHTS AND NOTICE OF
RELATED INFORMATION AND
DOCUMENTATION SUPPORTING
DISCLAIMER

v.

WALKER RIVER IRRIGATION
DISTRICT,
a corporation, et al.,

Defendants.

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the Case Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

~~Susan L. Schneider~~
~~United States Department of Justice~~
~~P.O. Box 756~~
~~Littleton, CO 80160~~

Susan L. Schneider
United States Department of Justice
999 18th Street
South Terrace - Suite 370
Denver, CO 80202

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
 2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
 3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
 4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed
 6 ownership:

7 Name(s):

8 Street or P.O. Box:

9 Town or City:

10 State:

11 Zip Code:

12 2. The name and address of each person or entity who acquired ownership

13 Name(s):

14 Street or P.O. Box:

15 Town or City:

16 State:

17 Zip Code:

Do not live on the Walker River,
 Irrigation ditch flows threw our proper
 we have no water rights
 NONE

Sudanne B. Fowler
 POB 38
 Coleville, CA 96107

NONE
 Do not on the river HAVE NO
 water rights.

Sudanne B. Fowler
 POB 38
 Coleville, CA 96107

1
2
3 3. Attached to or included with this notice is a copy of the (check appropriate
4 box(es)):

- 5 ☐ Deed
6 ☐ Court Order
7 ☐ Other Document.
8
9

10 by which the change in ownership was accomplished.

11 4. The undersigned acknowledges that any person or entity who files a Disclaimer
12 of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13 the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14 in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15 this litigation.

16 Executed this 18 day of Dec 2012.

17
18 property
19 Not on River - Have no water rights

20
21 *Lucas B. Joubert*

22 [signature of counter-defendant]

23
24
25 [name of counter-defendant]
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[name, if applicable, of person acting on
behalf of counter-defendant]

[signature, if applicable, of person acting on
behalf of Counter-Defendant]

[address]

DENNIS R. Fowler & SUANNE B Fowler
Living Trust

[telephone number]

P.O. Box 38
Coleville, CA 96107

530-495-2238

We do not live by Walker River - there is an
Irrigation ditch that goes through property we
have no water rights, ~~we~~ Never Have

SuAnne B Fowler

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

~~4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.~~
I am enclosing ORDER - DISCLAIMER OF INTEREST, Exhibit A,

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1-14-13

Richard P. Fedchenko

Signature

Richard P. Fedchenko

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

I am filing DISCLAIMER OF INTEREST.

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 17 2012	
CLERK OF DISTRICT COURT DISTRICT OF NEVADA BY: <i>[Signature]</i> DEPUTY	

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,) In Equity No. C-125-ECR
Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

**DISCLAIMER OF INTEREST IN
WATER RIGHTS AND NOTICE OF
RELATED INFORMATION AND
DOCUMENTATION SUPPORTING
DISCLAIMER**

v.

WALKER RIVER IRRIGATION
DISTRICT,
a corporation, et al.,

Defendants.)

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

Susan L. Schneider	Susan L. Schneider
United States Department of Justice	United States Department of Justice
P.O. Box 756	999 18th Street
Littleton, CO 80160	South Terrace - Suite 370
	Denver, CO 80202

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4 additional information:

- 5 1. The name and address of the party or parties who sold or otherwise conveyed

6 ownership:

7 Name(s):

8 N.A.

9 Street or P.O. Box:

10 Town or City:

11 State:

12 Zip Code:

- 13 2. The name and address of each person or entity who acquired ownership

14 N.A.

15 Name(s):

16 Street or P.O. Box:

17 Town or City:

18 State:

19 Zip Code:

N.B. I have never owned any water rights in the Walker River drainage.

I am a permittee of the USFS for Lot #1, Green Creek Tract, Summer Residence Program, Bridgeport Ranger District.

A copy of the relevant permit

document is attached, specifying that I have no water rights

under this permit. I have

been named in error.

Richard P. Felchenko
Trustee
Felchenko Family Trust

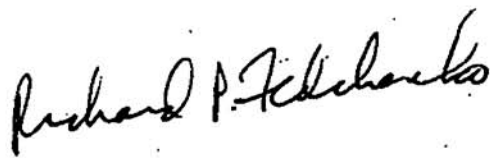
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3 3. Attached to or included with this notice is a copy of the (check appropriate
4 box(es)):

- 5 ☐ Deed N.A.
6 ☐ Court Order
7 ☐ Other Document.
8
9

10 by which the change in ownership was accomplished.

11 4. The undersigned acknowledges that any person or entity who files a Disclaimer
12 of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13 the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14 in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15 this litigation.

16 Executed this 14 day of Jan 20 13.

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[signature of counter-defendant]

Richard P. Fedchenko
Trustee
Fedchenko Family Trust
[name of counter-defendant]

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N.A.

[name, if applicable, of person acting on
behalf of counter-defendant]

[signature, if applicable, of person acting on
behalf of Counter-Defendant]

[address]

[telephone number]

review indicates that conditions have changed, new environmental analysis shall be conducted to determine the proper course of action.

B. NEW TERMS AND CONDITIONS. In issuing a new permit, the authorized officer shall include terms and conditions that reflect new requirements imposed by current federal and state land use plans, laws, regulations, or other management decisions.

C. NEW PERMIT TO ACCOMMODATE 10-YEAR CONTINUED OCCUPANCY. If the 10-year continued occupancy given a holder who receives notification that a new permit will not be issued would extend beyond the expiration date of the current permit, a new term permit shall be issued for the remaining portion of the 10-year period.

X. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT RENEWAL

A. REMOVAL OF IMPROVEMENTS. Except as provided in clause VIII.B, upon revocation of this permit or termination of this permit without renewal of the authorized use, the authorized officer has the discretion to require the holder to sell or remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and to restore the site to the satisfaction of the authorized officer. If the holder fails to sell or remove all structures or improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the permit area.

B. OFFER OF AN IN-LIEU LOT. Upon revocation (other than revocation for noncompliance) or upon notification that a new permit will not be issued after expiration of this permit, the authorized officer may offer an in-lieu lot, if available, to the holder for building or relocating a recreation residence. An in-lieu lot must be in a location that is consistent with the applicable land management plan in the same National Forest as the authorized improvements or in an adjacent National Forest. An offer of an in-lieu lot must be accepted within 90 days or within 90 days of final disposition of administrative appeal of the revocation decision, termination when rebuilding is not allowed, or notification that a new permit will not be issued upon permit expiration, whichever is later, or the offer will expire.

XI. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. SUPERSEDED PERMIT. This permit replaces a special use permit issued to: RICHARD AND LORETTA FEDCHENKO, BRI505703, on 10/28/1991.

C. DISCLAIMER REGARDING TITLE. Issuance of this permit shall not be construed as an admission by the United States as to the title to any of the authorized improvements. The United States disclaims any liability for issuance of a permit in the event of disputed title.

D. RULES OF CONSTRUCTION.

1. If there is a conflict between the foregoing standard printed clauses and any clauses added to the permit, the standard printed clauses shall control.
2. If this permit is issued to a trust and there is a conflict between any of the terms and conditions of this permit and the terms of the trust documents or state law applicable to the trust, the terms and conditions of this permit shall control.

E. WATER RIGHTS AND WATER FACILITIES. (D24).

1. **Water Rights.** This permit does not confer any water rights on the holder. The term 'water rights' includes all authorizations, such as certificates, reservations, decrees, or permits, for water use issued under state, local, or other law. Any necessary water rights must be acquired by the holder in accordance with state law and the terms of this permit. After this permit is issued, all water rights obtained by the holder for facilities that divert or pump water from sources located on National Forest System lands for use on National Forest System lands, whether authorized or unauthorized, are for the benefit of the United States and shall be acquired in the name of the United States. Any expenses for acquiring water rights shall be the responsibility of the holder and not the responsibility of the United States.

2. **Water Facilities.** No ditch, reservoir, well, spring, seepage, or other facility to pump, divert, store, or convey water (hereinafter 'water facilities') for which the point of diversion, storage, or withdrawal is on National Forest System lands

may be initiated, developed, certified, or adjudicated by the holder without prior written approval from the authorized officer. The authorization of any water facilities in the permit area is granted to allow use of water only in connection with the recreation residence authorized by this permit. If the use of any water facilities in connection with this recreation residence ceases, the authorization to use any associated water facilities also ceases. The United States reserves the right to place any conditions on installation, operation, maintenance, and removal of water facilities that are necessary to protect public property, public safety, and natural resources on National Forest System lands in compliance with applicable law. Any change in the beneficial use of or location of use from a water facility without prior written approval from the authorized officer shall result in termination of the authorization of that facility.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

ACCEPTED:

RICHARD FEDCHENKO
(Holder Name)


SIGNATURE

9-11-09
DATE

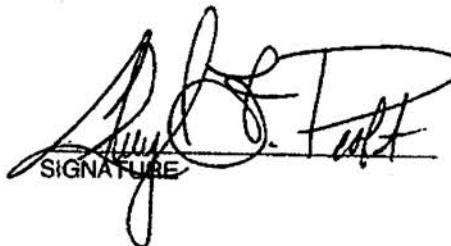
LORETTA FEDCHENKO
(Holder Name)


SIGNATURE

9-11-09
DATE

APPROVED:

CHERYL F. PROBERT, DISTRICT RANGER
(Name and Title of Authorized Officer)


SIGNATURE

9-24-09
DATE

AUTHORIZATION ID: BR1370

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond, to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877- 8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.



Richard Fedchenko
1093 Shelter Ave.
Lone Pine, CA 93545

Linda Lea Sharer Chief Deputy Clerk
US District Court for District of Nevada
400 South Virginia St, Suite 301
Reno, NV 89501

8950132195



FILE

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO.

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2013 JAN 10 PM 3:30

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: JAN 6, 2013

Charles R. Garbinski
Signature

CHARLES R. GARBINSKI
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

FILE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION
DISTRICT,
a corporation, et al.,

Defendants.

In Equity No. C-125-ECR
Subfile No. C-125-B

DISCLAIMER OF INTEREST IN
WATER RIGHTS AND NOTICE OF
RELATED INFORMATION AND
DOCUMENTATION SUPPORTING
DISCLAIMER

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO

2013 JAN 10 PM 3:30

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

~~Susan L. Schneider~~
United States Department of Justice
P.O. Box 756
Littleton, CO 80160

ANDREW "GUSS" GUARINO
~~Susan L. Schneider~~
United States Department of Justice
999 18th Street
South Terrace - Suite 370
Denver, CO 80202

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed
6 ownership:

7 Name(s):

8
9 Street or P.O. Box:

10
11 Town or City:

12
13 State:

14
15 Zip Code:

16
17 2. The name and address of each person or entity who acquired ownership

18
19 Name(s):

20
21 Street or P.O. Box:

22
23 Town or City:

24
25 State:

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27 Zip Code:

28
DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed
☐ Court Order
☐ Other Document.

NOT APPLICABLE

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

PLEASE NOTE THAT THE PARCEL OF LAND OF WHICH I AM THE OWNER, OTHERWISE KNOWN AS MONO COUNTY, CA APN 001-060-037-000, DOES NOT MEET THE CATEGORIES SET FORTH IN PARAGRAPH 3 OF THE CASE MANAGEMENT ORDER REFERENCED. PLEASE SEE ATTACHED MAP.

Executed this 7 day of JANUARY 2013.

THANK YOU.

Charles R. Garbanski

[signature of counter-defendant]

CHARLES R. GARBANSKI

[name of counter-defendant]

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[name, if applicable, of person acting on
behalf of counter-defendant]

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[signature, if applicable, of person acting on
behalf of Counter-Defendant]

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[address]

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PARCEL MAP NO. 31-87

SHEET 4 OF 7 SHEETS

BEING A SUBDIVISION OF PARCEL 4 OF PARCEL MAP NO. 31-33 AS RECORDED IN BOOK 1 OF PARCEL MAPS AT PAGE 91, AND BEING LOCATED IN A PORTION OF THE E 1/2 OF THE NE 1/4 OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 22 EAST, MOUNT DIABLO MERIDIAN, COUNTY OF MONO, STATE OF CALIFORNIA.

